

SCOPING AND INFORMATIONAL MEETING

CROOKSTON - APRIL 27, 2016 - 6:00 P.M.

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

AND DEPARTMENT OF COMMERCE

In the Matter of the Application of North Dakota Pipeline Company, LLC for a Certificate of Need for the Sandpiper Pipeline Project in Minnesota

PUC DOCKET NO: CN-13-473

In the Matter of the Application of North Dakota Pipeline Company, LLC for a Pipeline Routing Permit for the Sandpiper Pipeline Project in Minnesota

PUC DOCKET NO: PPL-13-474

In the Matter of the Application of Enbridge Energy, Limited Partnership for a Certificate of Need for the Line 3 Pipeline Replacement Project in Minnesota from the North Dakota Border to the Wisconsin Border

PUC DOCKET NO: CN-14-916

In the Matter of the Application of Enbridge Energy, Limited Partnership for a Route Permit for the Line 3 Pipeline Replacement Project in Minnesota from the North Dakota Border to the Wisconsin Border

PUC DOCKET NO: PPL-15-137

Crookston Inn & Convention Center
2200 University Avenue
Crookston, Minnesota

COURT REPORTER: Janet Shaddix Elling, RPR

1 MS. BARBARA TUCKNER: All right. It's
2 been our observation that there is no one -- we
3 don't have any new people coming into the room so,
4 with your permission, we'd like to get started. Is
5 that okay? Okay.

6 All right. My name is Barb Tuckner, I
7 work for a division called Management Analysis and
8 Development, we're internal consultants to state
9 government, and my role tonight is just to keep the
10 process moving, make sure it's respectful, that kind
11 of thing, and make sure people's voices are heard.

12 You've seen the agenda, it's posted in
13 two places. We are officially closing the open
14 house but we will reopen it at the end if you want
15 to talk to agency folks and so forth.

16 And I guess I just want to welcome you
17 and thank you for coming out on what should be a
18 spring day, but it doesn't feel like it. But thanks
19 for being here.

20 The process is that we're going to have a
21 half-hour presentation just to get our heads around
22 the whole topic once again. Some of the information
23 is posted around the back of the room as well. And
24 then what we're going to do is we're going to have
25 an opportunity for public comment. So that, hence,

1 the green cards. So we will invite you to come up
2 one at a time and speak.

3 And just know that one of the critical
4 parts of this meeting is that we have a court
5 reporter in the room and she will be reporting your
6 messages verbatim as we go around. Is that right,
7 Janet?

8 COURT REPORTER: Yes.

9 MS. BARBARA TUCKNER: All right. So
10 Janet needs to be able to hear you, so at times we
11 will run over with the microphone, and that might
12 take a moment because my legs aren't 18 years old
13 anymore, they just aren't.

14 So what we will do is we will move into
15 the presentation, but before we do that I just
16 wanted to cover some ground rules. These have
17 worked for us elsewhere in the state. By the way,
18 this is the third meeting, third scoping meeting out
19 of 12. So we will be completing these in May. And
20 the scoping meeting, essentially the purpose of this
21 meeting is to help give us some feedback or give
22 some feedback to the people that are going to be
23 writing the environmental income -- help me.

24 MS. JAMIE MACALISTER: Environmental
25 impact statement.

1 MS. BARBARA TUCKNER: Impact statement,
2 the environmental impact statement. So to make sure
3 that we've done our due diligence and we're covering
4 and looking at all of the things that we should
5 relative to this project.

6 So the ground rules are posted around the
7 room so I'm going to read them off and then add some
8 other comments to them.

9 The first of which is we already talked
10 about submitting the comment form for scoping at
11 this public meeting. So inside of your yellow
12 packets there's many ways from Sunday to submit a
13 public comment. You can do it tonight in person --

14 (Off the record.)

15 MS. BARBARA TUCKNER: Okay. So there are
16 many ways in which you can submit a public comment.
17 You can come up tonight with that green card. You
18 can fill out the comment form inside your yellow
19 packet and mail that in. Or you can go to the
20 website and submit a comment.

21 And is there something I missed? Or you
22 can meet one-on-one with Janet to do so, we've
23 offered that as the open house has gone on.

24 The ground rules are pretty
25 straightforward. We want mutual respect, courtesy,

1 and patience at this meeting tonight so that we can
2 hear your thoughts. They're all critical as we
3 enter into this environmental impact stage or EIS
4 stage. So we really need to hear your thoughts
5 about what needs to be covered in that statement.
6 So, hence, the scoping meeting. You can come up and
7 talk about whether or not you are for or against
8 this project, that's fine, but what's really
9 critical to us is to make sure we are hearing from
10 you about what needs to be included in that
11 statement, what needs to be studied.

12 We want to maintain an atmosphere where
13 everyone feels comfortable and welcome regardless of
14 their point of view. That's called democracy and we
15 want to embrace that tonight.

16 Am I going in and out? Is this
17 microphone going in and out? Okay.

18 UNIDENTIFIED: A little bit.

19 MS. BARBARA TUCKNER: Okay. Let me try
20 another one.

21 All right. Don't interrupt anyone while
22 they're speaking. That's common courtesy. And also
23 it's very hard for Janet to record what you're
24 saying if that is going on. And we do want
25 everybody's comments reported tonight.

1 No displays, signs, or banners that
2 obstruct people's view. If you have one rolled up
3 under your sleeve we're asking that you just keep
4 that so that it doesn't obstruct other people's
5 view.

6 Refrain from addressing the audience or
7 asking for audience participation. Again, we're
8 interested in your comments about the scoping of the
9 impact statement. So that's the critical
10 information we're looking for tonight.

11 We want you to turn off your cell phones
12 or put them on stun, whatever that setting is, so
13 that they don't disrupt the meeting. What is it?
14 Stun? Vibrate. Right. You know what I meant. So
15 we're asking that you manage that.

16 And then lastly we're going to time this,
17 and that's my job as well. As you come up to speak
18 we're going to give you five minutes to speak and we
19 will count down the time for you as it goes on.
20 Okay?

21 But before we get into any of the
22 comments, anything for the good of the order that we
23 need to cover, about the space, whatever? We're
24 good to go?

25 All right. Then anything I didn't cover,

1 Janet?

2 Okay. I'm going to turn it over to Jamie
3 and she'll go through the presentation.

4 MS. JAMIE MACALISTER: Good evening,
5 everyone. I'm Jamie MacAlister, I'm the
6 Environmental Review Manager for the Department of
7 Commerce, Energy Environmental Review and Analysis
8 unit.

9 And we're here tonight for the scoping
10 meeting for Line 3 and the Sandpiper pipelines.
11 They are two separate projects, but we are combining
12 these meetings to better facilitate your comments on
13 both of these projects.

14 A couple of housekeeping things before we
15 get started. Hopefully you all received a yellow
16 folder when you came in. And in that folder, most
17 importantly, you should have a copy of the
18 presentation, which is primarily important for the
19 contact information on the last page. Keep that
20 handy.

21 You should also have a comment form in
22 there, as well as some additional information on how
23 to submit a comment.

24 Some evaluation criteria that we will be
25 using to review alternatives as we go forward in the

1 scoping process.

2 A preliminary table of contents for the
3 EIS, the environmental impact statement, which I
4 will likely refer to from here on out as the EIS.

5 And two maps. One showing the route
6 alternatives and one showing the system alternatives
7 that have been introduced to date for these
8 projects.

9 So if you're missing any of that
10 information, I encourage you to stop at the back
11 table and they'll help you get what you need.
12 Again, if you would like to speak, please fill out a
13 card, although it would appear that we'll have
14 plenty of time to take people's comments.

15 Also, as we go forward, for Janet's sake,
16 and Janet, I'm sorry you can't see me over here.
17 When you come up, please be sure to state and spell
18 your name for the record, that would be helpful.
19 Otherwise Janet will have to remind you to do so.
20 So just keep that in mind when you come up.

21 And as you probably noticed if you were
22 here earlier that we do have technical staff
23 available to answer your questions from the DNR and
24 the PCA, as well as the Public Utilities Commission.
25 So if you have further questions that we can answer

1 for you after the formal comment session, we're
2 happy to do that.

3 All right. There we go.

4 Okay. So let's just start off quickly
5 with an overview of the regulatory framework here.
6 It's not very exciting, but it does sort of help put
7 things in context here.

8 So the certificate of need is governed by
9 Minnesota Statute 216B and then Minnesota Rule 7853.
10 We have the routing rules, Minnesota Statute 216G,
11 7852. As well as the fact that these EISs for each
12 project will be developed -- prepared according to
13 Minnesota Rules 4410.

14 And after we get through the
15 environmental impact statement phase there will be
16 contested case hearings for the route and CN. And
17 those will be presided over by an administrative law
18 judge.

19 So the purpose of these scoping meetings
20 is really to provide the public, agencies, tribes,
21 and government the opportunity to help us identify
22 issues and impacts that you would like to see us
23 cover in the environmental impact statement, as well
24 as to participate in the development of route and
25 segment alternatives. And all of this will feed

1 into a final scope that will be prepared and given
2 to the Public Utilities Commission to finalize.

3 So we have been out here for a couple of
4 years for the Sandpiper project as well as for
5 Line 3. There have been over 30 scoping meetings.
6 There have already been contested case hearings for
7 Sandpiper. And these are some of the primary issues
8 that we've heard as we've been out here. We know
9 that folks are really concerned about spills,
10 groundwater and surface water resources, wild rice,
11 tribal concerns, the decommissioning of Line 3, jobs
12 and local economies and climate change.

13 So we've named some of our top items that
14 we've been hearing as we've gone through this
15 process and developed a draft scoping decision, and
16 what we're here to find out is is there anything
17 that we've overlooked that you feel that we need to
18 get on this list for analysis.

19 So I'll just run you through quickly what
20 the EIS process is going to be like here. So we are
21 at the public information and scoping meetings.
22 Once we're through with this we will be developing a
23 final scope to be approved by the Public Utilities
24 Commission. There will then be an EIS preparation
25 notice issued, and that will start a 280-day clock

1 that we have to complete the preparation of the
2 EISs.

3 Those will be released. There will be
4 another opportunity for public meetings for the
5 draft EIS. There will be a final. And the final
6 will have a determination of adequacy before this
7 process moves into contested case hearings. So
8 that's likely, looking at the schedule, but we're at
9 least a year out from that. But just so you know,
10 there will be additional opportunities for public
11 involvement.

12 So we have this EIS sitting out here and
13 we have these permitting decisions and there are a
14 lot of things that feed into the EIS. So we're
15 taking public comments, we are working with our
16 sister agencies, tribal governments, other
17 interested parties, and we're developing this EIS.

18 And the EIS, in turn, informs the
19 Minnesota Public Utilities Commission, who
20 ultimately makes the permitting decision. So the
21 EIS is really critical because it does help the
22 Public Utilities Commission make an informed
23 decision on these projects.

24 And if you've been following these
25 projects at all, you will know that there were a

1 number of system alternatives developed and those
2 are shown on this map and will be evaluated, as well
3 as all of the route alternatives that were proposed
4 during the scoping meetings for Sandpiper and
5 Line 3.

6 So, just quickly to go through the
7 permitting schedule, we're not expecting the draft
8 EIS until sometime in early 2017. And that could be
9 later depending on the approval of the final scope.
10 There will be the draft EIS public meetings in --
11 early in 2017, with a final expected in late spring.
12 The adequacy determination. And then moving into
13 the contested case hearings. And possibly a
14 Commission decision on the route the end of 2017.

15 This is a very preliminary schedule.
16 There will be probably other procedural elements
17 that will play into this. But for the time being
18 this is how we would anticipate the schedule moving
19 forward at this point.

20 So for you to comment this evening, you
21 can comment here verbally, Janet will take your
22 comments. You can submit a written comment form and
23 leave that with us, we have a box in the back you
24 can put that in. You're welcome to email your
25 comments to me as well. And as I said, all of that

1 information is on the last page of your PowerPoint
2 presentation, so hang onto that for future
3 reference.

4 Critical note here. The comment period
5 ends of May 26th. So as long as you get your
6 comments to me by May 26th, they will all be entered
7 into the record. And I will post everyone's
8 comments in batches alphabetically, both on eDockets
9 and on our website.

10 So, with that, I'm going to turn this
11 over to Barb and we will start the formal comment
12 session here.

13 We are going to quickly move the screen
14 and take some of this stuff out of your way.

15 And, yes, I will be taking questions on
16 clarity of anything that we've said based on process
17 or the development of the EIS. If you have other
18 questions that you would like to talk to any of us
19 about, we will be here until 9:00 to answer your
20 questions.

21 MS. BARBARA TUCKNER: Okay. So if you'd
22 indulge us for just five minutes, we have to get
23 this monstrosity out of the way, change the set, and
24 get ready for the public comments. So we have
25 several people who are going to be doing that.

1 As I mentioned, the green cards were
2 submitted as people submitted green cards to speak
3 tonight. And I'm going to ask for your indulgence
4 for one thing. There is a family here with young
5 children, and while they're not at the top of the
6 queue, if it's okay with you, I'd like to move them
7 to the top of the queue. Because they have children
8 and I don't know how long they can stay awake and so
9 forth, if you're okay with that? And they didn't
10 ask me, I offered. Is the group okay with that, let
11 the young family go first? Okay.

12 All right. So what we will do is -- he's
13 going to dive any second here, right?

14 So what we're going to do is we're going
15 to -- I'm going to have you come up in the order in
16 which you submitted, and we're going move Michael to
17 the top of the queue. So, Michael, you can come up.

18 I've got to move this table here. Give
19 us five minutes, I guess.

20 (Break.)

21 MS. BARBARA TUCKNER: So Michael will be
22 the first to come up. And he can take a seat right
23 here in the front. And then the second person up is
24 Craig, and the third person -- Craig -- help me,
25 Craig.

1 MR. CRAIG BUNESS: Buness.

2 MS. BARBARA TUCKNER: Craig Buness. And
3 then the third person is Willis Mattison.

4 So if they could place themselves in the
5 front of you -- yeah, your dad is going to come up.
6 If you could place yourself in the front of the room
7 so we can go through these one at a time. Okay?

8 Michael, do you want to come on up? And
9 again, if you could state your name and spell it for
10 Janet?

11 MR. MICHAEL KNUDSON: You want me to sit
12 here? Face that way?

13 MS. JAMIE MACALISTER: Face Janet.

14 MR. MICHAEL KNUDSON: My name is Michael
15 Knudson, M-I-C-H-A-E-L, K-N-U-D-S-O-N.

16 And first, being a working parent, and
17 kids, you know, I don't have -- we don't have a lot
18 of time as community members to do a lot of research
19 on this. So what I could find today, there's a
20 website called Line 9 Communities, and I believe it
21 was a young lady up in Canada that put this
22 together. So this is an oil pipeline awareness and
23 discussion. And I'm just going to read the first
24 chunk here.

25 Using data from Enbridge's own reports,

1 the Polaris Institute calculated that 804 spills
2 occurred on Enbridge pipelines between 1999 and
3 2010. These spills released approximately 160,000
4 barrels of crude oil into the environment.

5 And I want to pose the question, you
6 know, are Minnesota communities going to be next?

7 Second. The information here today and
8 all the maps are wonderful. It shows us the route.
9 But as I had mentioned to some of the folks up here,
10 what it's missing is all the data that's already out
11 there about our Minnesota environment. And I have
12 this map here that I created today in GIS, and it
13 identifies all the counties on the route. And I
14 could add a lot more layers than this, but it
15 identifies tribal lands, which are a concern, the
16 biodiversity significance in Minnesota, and the high
17 vulnerability of water aquifers. Let alone wild
18 rice locations, which there are hundreds of them in
19 these counties across this route.

20 Next I'm going to read an editorial that
21 my wife wrote.

22 So, first and foremost, the pipeline is a
23 support system to oil extraction by method of
24 hydraulic fracturing from the Bakken fields in North
25 Dakota. Climate change impacts are already

1 occurring in Minnesota and globally. As a
2 citizenry, we should be focusing on curtailing such
3 extraction instead of supporting it. Currently the
4 oil and gas industry enjoys exclusions and
5 exemptions to major federal environmental statutes
6 intended to protect human health and the
7 environment.

8 And there's a long list of acts here and
9 you can look them up yourself.

10 As a result of this lack of oversight,
11 human health, wildlife communities and the
12 environment are being endangered. Until more
13 thoughtful state regulations are enacted in North
14 Dakota and until the petroleum industry at large is
15 held accountable to remedy the negative impacts on
16 human health and the environment, Minnesota should
17 not put our human communities, land or water systems
18 at risk of degradation.

19 The proposed preferred Sandpiper route
20 poses threats not only to waterways and wetlands in
21 Polk County here, which we're residents of, but
22 along the entire route. While we're concerned about
23 the pipeline crossing the Red River of the North,
24 the Red Lake River water course, we're equally
25 concerned about the route crossing the state's most

1 famous river, the Mississippi. The pristine
2 headwaters area is valuable and a cherished natural
3 resource to all residents in Minnesota and across
4 the nation. The bounty of fresh water resources in
5 northern Minnesota, including wild rice beds, lakes
6 and rivers and fisheries, generates 7.2 billion
7 annually. This doesn't include the tourism
8 industry, which grosses close to 12 billion in
9 sales. These are real and permanent jobs. We're
10 concerned that multiple pipelines will be allowed to
11 follow this corridor if approved, including the
12 proposed replacement of Line 3. These pipelines
13 threaten not only pristine ecosystems, but also
14 human communities and economic livelihoods.
15 Estimates predict that the Bakken oil boom is at or
16 near peak production.

17 MS. BARBARA TUCKNER: One minute.

18 MR. MICHAEL KNUDSON: Okay. Because
19 productivity of shale wells declines rapidly, many
20 new wells must be drilled just to maintain existing
21 production levels. And this is not sustainable
22 development.

23 And I'm going to stop there. If anybody
24 wants this editorial, you can get ahold of me.

25 I'm going to end with a few questions

1 here, right? Is Minnesota aware of the goals of the
2 Paris Climate Change Agreement? And does Sandpiper
3 Pipeline, does this project work towards
4 contributing to those goals? I would say no.

5 Does the Sandpiper Pipeline make a
6 meaningful, long-term sustainable contribution to
7 our economy? Would it lower energy prices for
8 consumers? Does shipping crude oil across the
9 sensitive Minnesota landscape increase America's or
10 even Minnesota's energy security? Will Minnesota be
11 taking a national leadership role on climate change
12 through this project?

13 The Sandpiper Pipeline is all risk to
14 Minnesota and its residents with no reward for
15 Minnesota, the people of this state or our natural
16 resources.

17 And also on the social, cultural,
18 psychological impacts that this is going to have on
19 communities that are already living in displacement
20 and poverty in much of these counties --

21 MS. BARBARA TUCKNER: You're done.

22 MR. MICHAEL KNUDSON: Okay. Thank you.

23 MS. BARBARA TUCKNER: Thank you.

24 All right. The next person up is Craig.

25 MR. CRAIG BUNESS: Good evening. My name

1 is Craig Bunes, B-U-N-E-S-S. And I'm chairman of
2 the Polk County Board.

3 MS. BARBARA TUCKNER: Can you hold the
4 microphone, please?

5 MR. CRAIG BUNESS: Oh, I'm sorry. Can
6 you hear me now?

7 MS. BARBARA TUCKNER: It's not working
8 right now. Try this one.

9 MR. CRAIG BUNESS: There you go.

10 When this project first came forward a
11 few years ago, and the Polk County commissioners
12 realized that this is proposed to go across Polk
13 County, we started looking at the pros and the cons,
14 the safety issues, the impacts on our citizens, the
15 land.

16 And since we came to the decision to
17 support this. And we did get some working with
18 Enbridge, we got some of our key questions and
19 concerns answered in a positive way. You're not
20 going to get them all, we understand that.

21 And when you start to look at how you
22 move product, and you look at Polk County, either
23 the rail follows Highway 2, or the trucks that
24 follow Highway 2 goes through the three major cities
25 in Polk County, along with some other minor cities.

1 It goes by wetlands. It goes by the water.
2 Streams, rivers. And you start to look at what's
3 the safest way to transport this.

4 I'm old enough to remember the oil
5 embargo of 1973. And I remember the Sundays going
6 to buy gas, they were allocated, and in my opinion
7 there's a reason we're paying \$1.85 a gallon. It's
8 because of what's happening out West. It's keeping
9 some of the other -- OPEC honest.

10 So when you look at what we're trying to
11 do as a county board, and you're trying to look at
12 everybody, and you're not going to be able to make
13 everybody happy, it's one of these -- I'm not
14 comfortable with these meetings because it tends to
15 be all or nothing. That's it. There's not a lot of
16 compromising. And that's unfortunate.

17 In our business we tend to try and find
18 compromise so it works a little bit for everybody.
19 It may not be ideal or perfect, but you can eat it.
20 And unfortunately in here that's probably not the
21 case. It's all or nothing, thumbs up or thumbs
22 down.

23 We've got other issues that impact Polk
24 County. The farming. We've got 63 percent of our
25 tax base is agricultural. With the railroads tied

1 up hauling oil, other products, we're having
2 difficulty getting our fertilizers in in a timely
3 manner. We're having difficulty getting our crops
4 out to market just because of the railroads.
5 There's not going to be a huge amount of new track
6 and new rails. I don't see that happening at this
7 point in time. So a better utilization, if we could
8 put it out north of town here and pump it
9 underground at four miles per hour, and nobody even
10 knows it's there. To me, until somebody comes up
11 with a better answer as to how we can get that oil
12 from point A to point B, I'm certainly, and our
13 board is willing to listen. Up to now we haven't
14 heard anything.

15 An issue that we do have again as county
16 commissioners, when you look at the fact that -- you
17 talk about decommissioned lines. Whose problem is
18 it going to be down the road? And I do hope that at
19 some point somebody addresses this so that you can't
20 leave something and abandon it and take off.
21 Because we're doing some of these things for
22 generations that aren't even born at this point in
23 time and I don't want to leave them with a problem
24 about worrying about abandoned lines and the issues
25 that come with that.

1 I've got some things here that I want to
2 submit to you. I've got letters from six counties,
3 all five commissioners are in support of that. I've
4 got a letter from Minnesota Rural Community Caucus,
5 which Polk County happens to be a member, there's 29
6 of them in the state, there's a letter of support
7 for this here. And we have a letter to the PUC from
8 Polk County.

9 MS. BARBARA TUCKNER: You've got a
10 minute.

11 MR. CRAIG BUNESS: And we end up -- we've
12 got a letter to the editor that we, like I say, I
13 forget the date on it here, it's not fresh, but it's
14 in support of this. So we do urge that you support
15 this. This letter is from June of last year. And I
16 want to turn those in to you for the comments.

17 So, anyway, that's all I have. I
18 appreciate the time.

19 MS. BARBARA TUCKNER: Thank you, Craig.
20 Thank you very much, Craig.

21 Next up we have Willis Mattison. Willis,
22 if you could state your name and spell it for the
23 court reporter.

24 MR. WILLIS MATTISON: Thank you.

25 My name is Willis Mattison, W-I-L-L-I-S,

1 M-A-T-T-I-S-O-N. You don't hear the I when you
2 pronounce my last name, Mattison.

3 MS. BARBARA TUCKNER: Sorry.

4 MR. WILLIS MATTISON: That's okay, you
5 had no way of knowing.

6 First of all, I want to thank the
7 Department of Commerce, the Pollution Control Agency
8 and the Department of Natural Resources for a
9 significant change in format of the meeting that is
10 much more user-friendly.

11 The previous two years of meetings here
12 were rather formidable and somewhat oppressive,
13 having a phalanx of company officials sitting in
14 front of the room glaring at a would-be testifier.
15 It was very much intimidating and this is a lot
16 better. So thank you for doing that. It's helpful.

17 We are here two years down range. And
18 there are many people who have become efficient with
19 the process believing that it is obstructionists and
20 objectionists and opponents who have caused the
21 delay. And I need to clarify that for the record.

22 From the very first day, citizens
23 indicated that an environmental impact statement was
24 the only instrument that was necessary or
25 appropriate for a project of this scale with the

1 potential for significant impacts. Minnesota may
2 never see another large industrial facility with as
3 large a footprint transporting as large a quantity
4 of hazardous materials through its most sensitive
5 portions of the state as this project.

6 An environmental impact statement is the
7 necessary instrument, yet for two years there was
8 resistance until ultimately citizens filed a lawsuit
9 and the courts agreed with citizens. So here we are
10 starting over.

11 There's a major flaw in the assumption of
12 the beginning of the EIS that biases and prejudices
13 the remainder of the document. And I'll read right
14 from your scoping document. The statement of
15 purpose, the purpose of the project is to transport
16 growing crude oil production from the Bakken
17 formation in North Dakota to Superior, Wisconsin
18 terminal and then connect the various pipelines
19 expanding access to refinery markets in the U.S.
20 Midwest, and beyond.

21 MS. BARBARA TUCKNER: You have three
22 minutes.

23 MR. WILLIS MATTISON: This statement of
24 purpose is right out of the Applicant's application.
25 Under MEPA it is the RGU's responsibility to state

1 the purpose of the project because the Applicant is
2 very likely to state the purpose in a biased way
3 that favors their particular version of the project.

4 It's clear to everyone that the oil is in
5 North Dakota and the refineries and pipeline hubs
6 are in the Midwest near Chicago.

7 MS. BARBARA TUCKNER: I think someone is
8 running for help. Why don't you try this one.
9 Trickery, I think.

10 MR. WILLIS MATTISON: All right. Thank
11 you.

12 Now, it doesn't take much imagination to
13 realize that if you draw a line from Tioga, North
14 Dakota to Patoka, Illinois you don't go through
15 Superior, Wisconsin.

16 Your EAW proposes to consider truck and
17 train as alternatives. To point out the absurdity
18 of this purpose statement, my nephew is a truck
19 driver right up here out of Warren. And if I called
20 him up and asked him to haul oil from Tioga, North
21 Dakota to Patoka, Illinois, he would look at the
22 highway map and say there's a shorter way to get
23 there than going through Superior.

24 If you call Burlington Northern and ask
25 them to put the oil on a train, do you think they

1 would take the route through Superior and then
2 south? No. They'd go across country.

3 Yet your document proposes to evaluate
4 hauling oil to Superior, Wisconsin. That's
5 inappropriate and out of keeping with MEPA.

6 You also limit the scale of alternatives
7 when you route it through there. Because several of
8 the alternatives on the map behind me will disappear
9 if they're limited by that scope, since some of them
10 don't go through to Superior, Wisconsin.

11 Those that go down near the Twin Cities
12 and loop back up are rather ridiculous routes, but
13 were routed that way because they were told they had
14 to go to Superior rather than take the oil to
15 Chicago.

16 You've also segmented the project in that
17 part that lies within the state of Minnesota, when
18 the entire project is over 600 miles, at least, from
19 Tioga to Superior, and the oil does not stop there,
20 it goes on to Chicago by pipelines, which will
21 likely have to be expanded or approved or somehow
22 changed to accommodate this extra oil. So your
23 project actually goes entirely to somewhere near
24 Patoka, Illinois.

25 To review it only as Minnesota severely

1 limits any and all of the alternatives that might
2 follow alternative routes that have lesser impacts.

3 Some of my time was usurped by equipment
4 problems, if you'll be a little bit generous for me.

5 MS. BARBARA TUCKNER: I'll give you 15
6 seconds.

7 MR. WILLIS MATTISON: You're more of a
8 tyrant that Janet was the last time.

9 So I fully understand the possibility of
10 the jobs and economic benefits here, but Minnesotans
11 deserve a fair shot at looking at different ways to
12 skin this cat.

13 Most of the citizens are not opposed to
14 the pipeline project so it's not a black and white,
15 and I'm sorry that the Polk County Commission
16 Chairman got that impression. Most of the citizens
17 advocate for a pipeline through a safe route, and
18 the documents you have right now is not scoped to
19 consider the reasonable safe routes.

20 Thank you.

21 MS. BARBARA TUCKNER: Thank you. Thank
22 you very much.

23 All right. The next person up is
24 Christine Kiel. Did I get that right? Christian?

25 MR. CHRISTIAN KIEL: Christian Kiel, yep.

1 MS. BARBARA TUCKNER: Christian Kiel.

2 MR. CHRISTIAN KIEL: C-H-R-I-S-T-I-A-N,
3 K-I-E-L.

4 MS. BARBARA TUCKNER: I'll give you five
5 minutes and I'll let you know when you have three
6 minutes left and so forth.

7 MR. CHRISTIAN KIEL: I just want to
8 reiterate Mr. Bunes's comments. Find the safest
9 alternative besides trucking and rail. The pipeline
10 seems to me to be the best way given today's
11 technology.

12 I haven't done a ton of research into the
13 safety of it, and I am concerned about the safety
14 environmentally. But we've been using pipelines for
15 years and, yeah, there have been leaks, but there
16 also have been -- they've also transported a lot of
17 products, both gas and oil.

18 So I guess, with that, I just, like I
19 said, I'd like to reiterate Craig Bunes's comments
20 and I think that's the only way to go.

21 As far as alternative routes, I would
22 think that the company would know the best way to
23 route it in the most efficient way, trust their
24 knowledge, but that's why we're here, I guess, and
25 we'll find out the best way.

1 So I'm done.

2 MS. BARBARA TUCKNER: All right. Thank
3 you so much, Christian.

4 The next person up is Mario LaPlante. Is
5 Mario here? You are Mario, or you are not?

6 MR. MARIO LAPLANTE: I am Mario.

7 MS. BARBARA TUCKNER: Oh. All right.
8 Fine.

9 MR. MARIO LAPLANTE: M-A-R-I-O,
10 L-A-P-L-A-N-T-E.

11 MS. BARBARA TUCKNER: Thank you. I'll
12 give you a three-minute warning.

13 MR. MARIO LAPLANTE: My concerns are the
14 long-term impacts, both economic and environmental
15 associated with leaving unused, unneeded pipelines,
16 in the ground for an indefinite and as of now an
17 undetermined period of time.

18 While the EIS addressed these issues, how
19 many miles of decommissioned pipelines are there in
20 Minnesota right now?

21 Working?

22 Okay. Is anybody from Enbridge here who
23 could answer that?

24 MS. BARBARA TUCKNER: I think we can
25 direct -- you can direct that question to them after

1 this.

2 MR. MARIO LAPLANTE: Okay. So how many
3 miles of decommissioned pipelines are in Minnesota
4 right now? How long have they been unused? And
5 what problems have been associated with their
6 existence? While in use, the weight and heat of the
7 oil keep movement from frost and buoyancy in check.
8 Without those factors, what will keep the pipelines
9 from being forced to the surface eventually? When
10 that happens, who will be responsible and what will
11 be the landowner's recourse to get the problem
12 corrected in a timely manner? Does the state of
13 Minnesota have rules and regulations in place
14 dealing with decommissioned pipelines? Why are they
15 not required to be removed after they are no longer
16 being used?

17 While they are in service, the argument
18 can be made that they serve the public good and
19 therefore are allowed to usurp landowner rights.
20 After decommissioning, that argument is no longer
21 valid and the land should be returned to the
22 landowner unencumbered by the existence of the
23 pipeline and the hazards and economic loss the
24 pipeline represents.

25 At some point in time, someone will have

1 to deal with the cost of removing abandoned
2 pipelines. That time should be now and it should be
3 assumed by the consumers who demand energy and the
4 corporations profiting currently from its
5 transportation and not future generations and not
6 the taxpayers of Minnesota. There is no time better
7 than the present to deal with these issues.

8 The stakes are high, the need is current,
9 the attention should be focused on legislatively
10 requiring the removal of decommissioned pipelines
11 before any new certificate of need or route permits
12 are granted.

13 It's easy to say out of sight, out of
14 mind, but once this thing is permitted in, who is
15 going to care about the need for recovering
16 abandoned pipelines? Right now it's a hot topic
17 because they want this pipeline. So now is the time
18 to press the issue. Like I say, they are generating
19 revenue from this, funds could be set aside if the
20 consumers can't pay for it and it's really not
21 needed. The consumers using the oil should be
22 paying the total cost of this transportation method.

23 That's all I've got.

24 MS. BARBARA TUCKNER: All right. Thank
25 you very much, Mario. If you have a written

1 document you can share with Janet -- you already
2 have done so, great. Thank you.

3 The next person up is Joan Lee. Joan?

4 MS. JOAN LEE: There is music on.

5 MS. BARBARA TUCKNER: Yeah, the music is
6 on now. I thought it was somebody's phone. We'll
7 see what we can do. We'll just speak up, okay?

8 MS. JOAN LEE: Okay.

9 MS. BARBARA TUCKNER: If you could state
10 your name and spell it for Janet, that would be
11 great.

12 MS. JOAN LEE: Good evening. My name is
13 Joan Lee, J-O-A-N, L-E-E.

14 Normally I wear a lot of hats every day
15 of my life, but tonight the hat that I'm going to be
16 wearing is as an organic farmer.

17 My husband and I have an organic farm
18 north of Macintosh. The current pipeline runs
19 through our property. We've had no issues with
20 Enbridge. They had a repair that they had to do
21 approximately three years ago. They knew what, as
22 an organic farmer, how important our certification
23 was to us. They did everything that they could to
24 help to make sure that we did not lose our organic
25 certification.

1 As an organic farmer you'd think that
2 we'd be against this. You know, because if there's
3 anything that happens, I mean, it's our livelihood.
4 As a farmer we have no fear of the land -- of the
5 pipeline that's in our property right now, and the
6 pipeline that's proposed to run along side of it.

7 As a farmer I've seen Minnesota farms
8 have lost over \$100 million because of crops that
9 have had to stay in the field, not being harvested,
10 because there's been no transportation for them. Or
11 I've seen crops that have been harvested and that
12 have been piled outside and are eventually ruined
13 from the weather.

14 Environmentally, there have been many
15 checkpoints that have been made on our farm. With
16 plants, the bats, you know, they've all -- all these
17 environmental impacts have been done on our
18 property. There has been no issue.

19 We have water that runs through our land.
20 We have no problem with having a pipeline running
21 next to that water.

22 As a Minnesotan, I appreciate the other
23 energy sources we have. Solar, wind, nuclear. But
24 currently our state, and even as our nation, our
25 infrastructure is not prepared to cut off our usage

1 of oil. In years to come, you know, it's possible
2 that that usage will decrease. But right now we
3 have to be concerned of how we can do our things
4 now.

5 And, you know, you can look at that both
6 ways, saying, well, you know, we have to be
7 concerned of our future too. But I think about, I
8 raised our three children on our farm, and that's
9 the land that we raised the food that I fed my
10 family on. We drink the water out of our well on
11 our farm. We breathe the air. And for us we have
12 total confidence and, as I mentioned before, no fear
13 in this.

14 And I hope Minnesota can look at the
15 business climate that they are creating, which maybe
16 is not business friendly. We need to figure out a
17 way that we can increase our economic backbone in
18 this state and provide jobs and be able to provide a
19 job to a family where the husband can come home at
20 night versus having to travel miles away and spend a
21 weekend -- or only be able to spend the weekend with
22 his family because he's not able to work on a
23 pipeline that's close to his home.

24 So I hope that through everything the
25 issues can be taken care of and that in the long run

1 the best will be done that can be done for this
2 project.

3 Thank you.

4 MS. BARBARA TUCKNER: Thank you, Joan.

5 The last person I have a green card for
6 is -- oop, there's another one.

7 Okay. Erwin, and in parentheses it says,
8 Erv, Erwin Rud. Forgive me if I --

9 MR. ERWIN RUD: I'll help you out.

10 MS. BARBARA TUCKNER: State your name and
11 spell it for the court reporter, please.

12 MR. ERWIN RUD: My first name is Erwin,
13 E-R-W-I-N, nickname Erv, E-R-V, and the last name is
14 Rud, R-U-D. I'm from Fosston. I'm a candidate for
15 DFL endorsement on the DFL side, so I have a little
16 bit of danger by even appearing here, perhaps. But
17 you know what, I live dangerously and I like it, so
18 I've got that.

19 With this, the chairman of the Polk
20 County Board says all or nothing. And, yeah, I
21 could see that. I don't quite see it that way. We
22 know that it's a pragmatic project that's involving
23 getting heating energy to the area, much of which is
24 needed by people to heat their homes and drive their
25 tractors and get to and from work, so there is that.

1 And yet I was grilled quite profoundly by a young
2 fellow from Ruskin who I contacted to get
3 endorsement, a 21-year-old guy that talked about the
4 environmental issues, and I was impressed and proud
5 of the fact on how he had grilled me.

6 And, you know what? These are the people
7 that are going to being taking over the world and
8 the country, and they have a right to be concerned
9 what happens here and what happens in the aquarium,
10 if you're not so religious minded, some people
11 aren't.

12 As a background of this, when I was going
13 to going to school at Morris State College back
14 in -- a long time ago, I'll let it go at that. I
15 worked on a pipeline the original time it was going
16 through and I worked over by Solway. And I remember
17 one time we had a guy that came through with a
18 roller unit that checked the joints. It was me and
19 my partner that would wrap tape around the joints,
20 welded joints. And I had these leather gloves on,
21 and I remember between my thumb and my forefinger
22 how my hand got raw from rolling this tape around,
23 you had to go over the top and catch it at the
24 bottom time after time, and we had an inspector that
25 came through. And there was one joint that he

1 called us back to, and I tell you what, he kind of
2 ticked me off a little bit, because we rewrapped
3 that joint four or five times, and finally on the
4 fifth time I think we were getting ready to kill
5 him. Finally he passed it.

6 But the point that I'm going to get to
7 rather quickly, though, after that, is that I
8 understand that 10 percent of the property taxes --
9 and this is for the commissioner -- 10 percent of
10 the property taxes of the county, of Polk County,
11 would go to taxes in the -- raising taxes in the
12 county. And I would suggest to the commissioner,
13 and this is the all or nothing in getting into green
14 energy for my young friend from Ruskin that
15 challenged me, is that we look at perhaps half of
16 that be invested in green energy like solar panels
17 for public buildings in the county and schools and
18 that. And after those are fully invested to be able
19 to save energy there, we maybe look at that as going
20 to the lower-income households.

21 I would also challenge Enbridge Energy to
22 possibly do that too. So, you know what, I have one
23 minute left and I'm going to be proud to see that's
24 my point.

25 Thank you.

1 MS. BARBARA TUCKNER: Thank you very
2 much.

3 I have Mike, is it Boucher?

4 MR. MIKE BOUCHER: Boucher.

5 MS. BARBARA TUCKNER: State your name and
6 spell it for the court reporter.

7 MR. MIKE BOUCHER: Mike Boucher,
8 B-O-U-C-H-E-R.

9 MS. BARBARA TUCKNER: I'll let you know
10 when you hit three minutes.

11 MR. MIKE BOUCHER: Okay. I guess I'm up
12 here wearing two hats. Number one, I am the clerk
13 of Lowell Township, just north of town, that the
14 proposed pipeline will be crossing all six miles of
15 our township, and we as a township board have no
16 problems with the pipeline coming through. It's
17 just going to parallel the existing Line 81 that's
18 been there since 1961. So we've had the pipeline
19 there for 45 years and there have been zero issues
20 that I know of in this area.

21 And my second hat that I'm wearing is a
22 farmland owner. We have several pieces of land that
23 the pipeline crosses. Approximately three years
24 ago, they did two repairs on our land and Enbridge
25 was a great company to work with. They gave us

1 plenty of notice ahead of time, marked out where
2 they were going to have to dig. They worked around
3 our schedule with the farming. In fact, they
4 delayed their repair a couple weeks so we could
5 finish our harvest and get the crops out of the way
6 so they would not damage it. So I can't say enough
7 about their public relations and their ease to work
8 with.

9 I just feel that pipelines in general are
10 the safest way of transporting oil long distances.
11 Yes, they're expensive to install, but over the long
12 term, 50, 60 years, the lifespan of the pipeline, it
13 is way more efficient than trucking oil that far or
14 by rail. If you want a fossil fuel that a truck
15 would burn or a train would burn shipping it that
16 far year after year after year, pipelines are far
17 more efficient. Plus you risk the risks of a train
18 derailment, a truck accident that could spill oil.
19 Seems like every couple months on the news you hear
20 of a train derailment in either Minnesota or North
21 Dakota and luckily there haven't been any major
22 ruptures of an oil tanker, but that could always
23 happen.

24 MS. BARBARA TUCKNER: Three minutes.

25 MR. MIKE BOUCHER: And also the train

1 cars could be better used to transport our crops,
2 harvested crops off the field in the fall. Instead,
3 those cars are -- or trains are being tied up
4 shipping oil constantly. Meanwhile, our elevators
5 wait for cars and it drives our basis up so we're
6 losing approximately 28 to 30 cents per bushel on
7 our harvested crop as far as wheat or corn or
8 soybeans.

9 And, also, as a sugar producer, the lack
10 of train cars has affected our beet payments quite a
11 bit. American Crystal is the process of building a
12 \$40 million sugar dome in Chicago just so we could
13 transport our sugar there in the off-season and
14 store it to have to our customers because rail cars
15 are not readily available when you need them. So
16 that \$40 million comes off the bottom line of all
17 the sugar growers in this area.

18 So I guess I'm just in favor of the
19 pipeline. And I just, again, I think it's
20 definitely the safest and most efficient way to
21 transport oil.

22 MS. BARBARA TUCKNER: All right. Thank
23 you very much.

24 We have no more green cards. So out of
25 curtesy to the group, is there another green card

1 wannabe out there that would like to speak?

2 If not, what we can promise is that we
3 will be opening the open house and you can talk to
4 some of the technical experts from the DNR and the
5 PCA and DOC.

6 And Janet is available to take comments,
7 one-on-one comments from you, if you so choose.

8 And we will be around here to answer any
9 of your questions. Okay?

10 MS. JAMIE MACALISTER: Until 9:00.

11 MS. BARBARA TUCKNER: Until later.

12 MS. JAMIE MACALISTER: Until 9:00.

13 MS. BARBARA TUCKNER: Until 9:00. We'll
14 be here till 9:00 because she said so. So we will
15 be here till 9:00. If you have some questions,
16 we'll be happy to hang around and talk with you.

17 Thanks to all of you for coming out
18 tonight, and thank you for putting up with technical
19 issues with these and with that and so forth.

20 Again, your public comments are due by
21 May 26th. And you know the myriad of ways at which
22 you can get them to us and we hope you do.

23 Thank you very much and have a good
24 evening.

25 (Meeting concluded.)